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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

12 FOURTH AGE LIMITED, a United Kingdom
corporation; PRISCILLA MARY ANNE REUEL
13 TOLKIEN, as TRUSTEE OF THE TOLKIEN
TRUST, a United Kingdom Charitable Trust; THE
14 J.R.R. TOLKIEN ESTATE LIMITED, a United
Kingdom corporation; HARPERCOLLINS
15 PUBLISHERS, LTD., a United Kingdom corporation;
UNWIN HYMAN LTD., a United Kingdom
16 corporation; and GEORGE ALLEN & UNWIN
(PUBLISHERS) LTD., a United Kingdom
17 corporation,

18 Plaintiffs,
19 v.

20 WARNER BROS. DIGITAL DISTRIBUTION, INC.,
a division of WARNER BROS. HOME
21 ENTERTAINMENT, INC., a Delaware corporation;
WARNER BROS. ENTERTAINMENT, INC., a
22 Delaware corporation, as successor-in-interest to New
Line Cinema Corp.; WARNER BROS. CONSUMER
23 PRODUCTS, INC., a Delaware corporation;
WARNER BROS. INTERACTIVE
24 ENTERTAINMENT, INC., a division of WARNER
BROS. HOME ENTERTAINMENT, INC.; NEW
25 LINE PRODUCTIONS, INC., a California
corporation; THE SAUL ZAENTZ COMPANY d/b/a
26 Middle-earth Enterprises, a Delaware corporation; and
DOES 1-10, inclusive,

27 Defendants.
28

Case No. CV 12-09912
ABC (SHx)

Hon. Audrey B. Collins

**[PROPOSED] ORDER
RE:**

**COUNTERCLAIM
DEFENDANTS'
SPECIAL MOTION
TO STRIKE THE
WARNER PARTIES'
FIRST AMENDED
COUNTERCLAIM
PURSUANT TO
CALIFORNIA CODE
OF CIVIL
PROCEDURE
SECTION 425.16**

1
2 AND RELATED COUNTERCLAIMS.
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5 On May 13, 2013, Plaintiffs and Counterclaim Defendants Fourth Age
6 Limited, Priscilla Mary Anne Reuel Tolkien, as Trustee of the Tolkien Trust, The
7 J.R.R. Tolkien Estate Ltd., Harper Collins Publishers, Ltd., Unwin Hyman Ltd. and
8 George Allen & Unwin (Publishers), Ltd. (collectively, the "Tolkien/HC Parties")
9 brought on for hearing their Special Motion to Strike the First Amended
10 Counterclaim of Defendant and Counterclaimants Warner Bros. Home
11 Entertainment, Inc., Warner Bros. Entertainment, Inc., Warner Bros. Consumer
12 Products, Inc. and New Line Productions, Inc. (collectively, the "Warner Parties")
13 pursuant to California Code of Civil Procedure §425.16. The appearances were as
reflected in the record.

14 The Court, having considered the papers filed in support of, and in opposition
15 to, the Motion, and the arguments of counsel, rules as follows.

- 16 1. The Tolkien/HC Parties' motion is granted without leave to amend;
17 2. The Warner Parties' first counterclaim for breach of contract is
18 dismissed with prejudice and the Tolkien/HC Parties shall be entitled to their
19 attorneys' fees in an amount to be determined pursuant to a later motion.

20
21 IT IS SO ORDERED.
22

23 DATED: _____, 2013

24 Honorable Audrey B. Collins
United States District Judge

1 Respectfully submitted by
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3 DATED: March 28, 2013

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5 GREENBERG GLUSKER FIELDS
6 CLAMAN & MACHTINGER LLP

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16 By: /s. Bonnie E. Eskenazi
17 BONNIE E. ESKENAZI (SBN 119401)

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